(19)

28/11/07

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 7044 of 2007

PETITIONER Narmada Prasad,
Aged about 59 years,
S/o Late Shri Ranglal,
Up Van Chhestrapal, (Deputy Range Officer), Range Gelhapati, District Koria (C.G)

Versus

RESPONDENTS

1. State of Chhattisgarh,
Through – The Secretary, Forest Department, D.K.S. Bhawan, Raipur (C.G.)
2. The Divisional Forest Officer,
Baikunthpur, Koria (C.G.)
3. Forest Range Officer,
Baikunthpur, District Koria (C.G.)

(Writ Petition under Article 226 of the Constitution of India)

Appearance:

Shri D.N. Prajapati, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer, for the State on advance copy.

ORAL ORDER
(26.11.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioner submits that the petitioner, who is working on the post of Deputy Range Officer at Gelhapani has to retire on 31/7/2008 and at this stage, by order dated 29/10/2007 (Annexure P/2), he has been attached as Officer on Special Duty with Flying Squad, Baikunthpur. He submits that Baikunthpur is at a distance of 40 Km., therefore, at this stage, it is difficult for the petitioner to comply with the order.

Needless to say that there does not appear any ground to this Court to interfere with such order of attachment. The petitioner may face some difficulty by that order, but legally it

cannot be interfered by a Court of law unless the order is vitiated by malafides or is passed on extraneous considerations or is against any statutory Rules or the Act.

Learned counsel for the petitioner could not point out a case of malafide or extraneous considerations or that the order has been passed in violation of any statutory Rules or the Act.

In view of the above, I am not inclined to interfere with the order of transfer.

The petition is dismissed at the motion stage itself.

However, looking to the circumstance that the petitioner is to retire in the month of July 2008, he is free to make representation before the concerned authority.

Sd/-
Sunil Kumar Sinha
Judge

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